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C O N F I D E N T I A L AMMAN 010304

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TAGS: PTER ASEC JO

SUBJECT: SECURITY COURT CLEARS ANTI-U.S. PLOTTERS OF CONSPIRACY, SENTENCES THEM ON LESSER CHARGES

REF: A. AMMAN 03303

¶B. 03 AMMAN 06232

¶C. 03 AMMAN 05333

Classified By: CDA David Hale for reasons 1.4 (b) and (d)

¶1. (U) The State Security Court on December 27 acquitted 13 men -- 10 Jordanians in custody and three Saudis tried in absentia -- on charges of conspiring to commit terror attacks against the U.S. Embassy in Amman and Jordanian military bases near the Iraqi border, where the plotters apparently believed U.S. troops were stationed (ref a). However, 11 were sentenced to prison terms ranging from six to 15 years for possessing explosives. The Court fully cleared, for lack of evidence, just two defendants, Saud al-Khalayleh (a distant cousin of Abu Musab al-Zarqawi) and Isam al-Barqawi.

¶2. (C) This verdict comes two years after the cell (dubbed locally the "Mafraq cell" for the northeastern town where many of the suspects resided) was first disrupted. In justifying the decision to acquit the men of plotting subversive acts (which would have earned them the death penalty), Judge Fawaz Bqour -- reading from the 72-page verdict -- said that the defendants had opted to strike American targets in Jordan when they realized that travel to Afghanistan during the war would be too difficult. The defendants thought there were U.S. military bases in Azraq, Jafer and Safawi and decided to target them. However, according to the judge, "it would have been impossible for the group to commit these attacks because these (U.S.) bases do not exist and (the King and PM) denied the presence of such forces," according to the judge. As for the defendants' plan to attack the U.S. embassy, the judge said "the court concludes that it was just a thought that crossed the minds of some of the defendants as they passed by the embassy building." (Note: In fact, at the time of the arrests there were around 10,000 American military personnel in Jordan, many of them in the locations allegedly targeted by the conspirators. The King's public denial at the time intended to avoid agitating the population, which was strongly opposed to war in Iraq. However, it also has provided the defendants a loophole through which to beat the conspiracy charges.) The judge added that the weapons in their possession (40 hand grenades, detonators and other weapons) were intended to be used against the U.S. Embassy and against Jordanian intelligence officers, but the defendants were apprehended before carrying out any plans.

¶3. (U) Most of the defendants had their 15-year sentences reduced "because they had no previous criminal records and to give them a second chance," according to the judge. Only one defendant, Muhammad Ahmad al-Shalabi (aka Abu Sayyaf) received the full 15-year sentence. The GOJ blames Abu Sayyaf for instigating riots that caused the deaths of six (including two security officers) in the southern town of Ma'an in November 2002. He was on the run until his arrest in September 2003 in Mafraq (ref b).

¶4. (U) The defendants remain defiant and most will likely appeal. Only one had admitted to the charges; the rest maintain their innocence, claiming their confessions were made under duress. According to reporters present during the trial, Abu Sayyaf shouted after the sentencing: "I am not a criminal! The criminal is the one that places young men behind bars. You are the criminals." One of those acquitted, Barqawi, told reporters from the dock that the charges were false and said the defendants were prosecuted because "we have refused to surrender to the policies of Washington and Tel Aviv." He added: "Execution is our wish because it's our path to martyrdom."

¶5. (C) Comment: The trial of Abu Sayyaf and his cohorts -- first indicted more than one year ago (ref c) -- is politically sensitive; the GOJ has been criticized for the way it handled the November 2002 Ma'an riots. Cynics suspect the security services, eager to ensure that the Abu Sayyaf gang was taken off the streets for its role in the deaths of policemen, trumped-up the charges of conspiracy to attack American targets. Finding the defendants guilty on mere weapons possession charges produced an ideal result for the GOJ: significant prison terms for most, but no death penalties, which might have re-ignited unrest in Ma'an. So far, there has been no public reaction to the verdict.

16. (U) Baghdad minimize considered.

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